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JUN 14 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of:

Dated: June 14, 2004

TIMOTHY A. WURTZ and RONALD D. WURTZ

Serial No. : 09/662,718

Group Art Unit: 3635

Filing Date : September 15, 2000

Examiner: Glessner, Brian E.

For : FLOOR JOIST RETAINER AND
METHOD FOR USING THE SAMEATTN: Examiner Brian E. Glessner
Group Art Unit: 3635
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO OFFICE ACTION
CONCERNING REISSUE PATENT APPLICATION**

Applicant respectfully requests reconsideration of the Office action dated March 12, 2004 in connection with the above-identified reissue application in view of the following remarks.

With respect to the ownership issue, applicant is enclosing a copy of an Assignment of Rights, Title and Interest in Invention, transferring rights in U.S. Patent No. 5,806,274 from the inventors to JPL Enterprises, Inc. This document was recorded in the U.S. Patent and Trademark Office (USPTO) on May 26, 1998 under Reel 9293, Frame 0475. A copy of the Notice of Recordation is enclosed for the Examiner's convenience. In addition, enclosed is an Assignment document transferring rights in the invention from JPL Enterprises to JPL,

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LLC. That document was submitted to the USPTO on May 5, 2004. A Notice of Recordation has not yet been received.

Concerning the reissue oath/declaration, enclosed is a substitute Declaration and Power of Attorney for Reissue Patent Application, executed by the inventors and identifying at least one error that is relied upon in this reissue application pursuant to 37 C.F.R. 1.175(a)(1) and MPEP § 1414. Applicant's attorney has corresponded with the Examiner regarding the language of this substitute Declaration, and understands that it complies with all requirements.

Finally, the Examiner rejected claim 21 under 35 U.S.C § 251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based. The issue involved applicant's use of the phrase "one of the forms" at line 15 of that claim. Applicant proposes deleting "one of" in that phrase. Applicant believes that will resolve the matter, and applicant's attorney will telephone the Examiner to determine the most expeditious way to make that amendment.

Accordingly, applicant requests favorable reconsideration and reissue of all pending claims. If there are any questions regarding this matter, please telephone the undersigned.

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, to the attention of Examiner Brian E. Glessner, Group Art Unit 3635, to facsimile number (703) 872-9306 on June 14, 2004.

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Respectfully submitted,

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